

1 KEVIN P. MUCK (CSB No. 120918)  
[kmuck@fenwick.com](mailto:kmuck@fenwick.com)  
2 CATHERINE KEVANE (CSB No. 215501)  
[ckevane@fenwick.com](mailto:ckevane@fenwick.com)  
3 MARIE C. BAFUS (CSB No. 258417)  
[mbafus@fenwick.com](mailto:mbafus@fenwick.com)  
4 FENWICK & WEST LLP  
555 California Street, 12th Floor  
5 San Francisco, CA 94104  
Telephone: (415) 875-2300  
6 Facsimile: (415) 281-1350

7 Attorneys for Defendants  
8 Steven Clontz, Gary Hromadko, Scott Kriens,  
9 William Luby, Irving Lyons, III, Christopher Paisley, Stephen Smith, Peter Van Camp and nominal defendant Equinix, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

14 JOSEPH STOPA, derivatively on behalf of  
Nominal Defendant, EQUINIX, INC.,

**Plaintiff,**

vs.

17 STEVEN CLONTZ, GARY HROMADKO,  
18 SCOTT KRIENS, WILLIAM LUBY,  
19 IRVING LYONS, III, CHRISTOPHER  
PAISLEY, STEPHEN SMITH, PETER VAN  
CAMP.

### Defendants.

and

22 EQUINIX, INC.,

## Nominal Defendant.

Case No. 11-CV-02467-SC

## Derivative Action

**STIPULATION AND [PROPOSED]  
ORDER REGARDING TEMPORARY  
STAY OF LITIGATION**

This stipulation is entered into by and among plaintiff Joseph Stopa (“Plaintiff”) and defendants Steven Clontz, Gary Hromadko, Scott Kriens, William Luby, Irving Lyons, III, Christopher Paisley, Stephen Smith, Peter Van Camp and nominal defendant Equinix, Inc.

**STIP. AND [PROPOSED] ORDER RE  
TEMPORARY STAY OF LITIGATION**

CASE NO. 11-CV-02467-SC

1 (collectively, “Defendants”), by and through their respective attorneys of record;

2        WHEREAS, presently pending before this Court is Plaintiff’s putative shareholder  
 3 derivative action against certain officers and directors of Equinix, Inc. (“Equinix” or the  
 4 “Company”) and against nominal defendant Equinix;

5        WHEREAS, this action has been deemed related to a putative shareholder class action  
 6 complaint, entitled *Cement Masons & Plasterers Joint Pension Trust v. Equinix, Inc., et al.*, Case  
 7 No. 11-CV-01016-SC (N.D. Cal.) (“*Cement Masons*”), which is currently pending in this Court  
 8 against Equinix and certain officers and directors under the Private Securities Litigation Reform  
 9 Act (“PSLRA”);

10        WHEREAS, plaintiff in the *Cement Masons* case filed an Amended Complaint for  
 11 Violation of the Federal Securities Laws (“Amended Class Action Complaint”) on September 22,  
 12 2011 and defendants filed a motion to dismiss the *Cement Masons*’ Amended Class Action  
 13 Complaint on November 7, 2011;

14        WHEREAS, the operative complaint in this action is an Amended Complaint filed on  
 15 December 14, 2011;

16        WHEREAS, pursuant to stipulation of the parties, the Court has entered orders on July 14,  
 17 2011 and October 18, 2011 temporarily staying proceedings in this action pending a ruling on the  
 18 motion to dismiss in *Cement Masons*;

19        WHEREAS, on March 2, 2012, this Court granted defendants’ motion to dismiss the  
 20 *Cement Masons* Amended Class Action Complaint and provided plaintiffs in the *Cement Masons*  
 21 action thirty (30) days within which to amend the Amended Class Action Complaint (the “Second  
 22 Amended Class Action Complaint”);

23        WHEREAS, pursuant to stipulation of the parties in *Cement Masons*, the court entered an  
 24 order extending the time in which the *Cement Masons* plaintiffs must file their Second Amended  
 25 Class Action Complaint until May 2, 2012;

26        WHEREAS, if the plaintiffs in *Cement Masons* choose to file the Second Amended Class  
 27 Action Complaint, defendants in *Cement Masons* intend to move to dismiss any such complaint;

28        WHEREAS, in an effort to assure consistent rulings and decisions, promote coordination

1 between the related federal shareholder class action and this putative shareholder derivative  
 2 action, avoid needless motion practice, avoid unnecessary duplication of effort, and conserve the  
 3 Court's and parties' resources, the parties have agreed to continue the temporary stay of litigation  
 4 in the above-captioned action until thirty (30) days after either: (i) the plaintiffs in *Cement*  
 5 *Masons* file the Second Amended Class Action Complaint and the Court rules on any motion to  
 6 dismiss that Second Amended Class Action Complaint; or (ii) the time for the *Cement Masons*  
 7 plaintiffs to file the Second Amended Class Action Complaint lapses without any such complaint  
 8 having been filed;

9           WHEREAS, the parties to the above-captioned action will file a stipulation (the  
 10 "Stipulation") setting forth a briefing schedule on Plaintiff's Amended Complaint within thirty  
 11 (30) days after either of the following occurs: (i) the *Cement Masons* plaintiffs file the Second  
 12 Amended Class Action Complaint and the Court rules on any motion to dismiss that Second  
 13 Amended Class Action Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the  
 14 Second Amended Class Action Complaint lapses without any such complaint having been filed;

15           WHEREAS, Defendants shall have no obligation to respond to the Amended  
 16 Complaint in the above-captioned action until after the Stipulation on the briefing schedule is  
 17 filed;

18           IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel for the  
 19 Parties, that:

20           1.       The parties agree to continue the temporary stay in the above-captioned action  
 21 until thirty (30) days after either (i) the plaintiffs in *Cement Masons* file the Second Amended  
 22 Class Action Complaint and the Court rules on any motion to dismiss that Second Amended  
 23 Class Action Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the Second  
 24 Amended Class Action Complaint lapses without any such complaint having been filed.

25           2.       The parties to the above-captioned action will file a stipulation setting forth a  
 26 briefing schedule on Plaintiff's Amended Complaint within thirty (30) days after either of the  
 27 following occurs: (i) the *Cement Masons* plaintiffs file the Second Amended Class Action  
 28 Complaint and the Court rules on any motion to dismiss that Second Amended Class Action

Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the Second Amended Class Action Complaint lapses without any such complaint having been filed.

3. Defendants shall have no obligation to respond to the Amended Complaint in the above-captioned action until after the Stipulation setting forth a briefing schedule is filed.

Dated: March 27, 2012

FENWICK & WEST LLP

By: \_\_\_\_\_ /s/ Catherine Kevane  
Catherine Kevane

FENWICK & WEST, LLP

Attorneys for Defendants Steven Clontz, Gary Hromadko, Scott Kriens, William Luby, Irving Lyons, III, Christopher Paisley, Stephen Smith, Peter Van Camp and nominal defendant Equinix, Inc.

Dated: March 27, 2012

GREEN WELLING, P.C.

By: /s/ Robert S. Green  
Robert S. Green

GREEN WELLING, P.C.

## FEDERMAN & SHERWOOD

Attorneys for Plaintiff  
Joseph Stopa

Pursuant to General Order No. 45 Section X(B), all of the signatories concur in the filing of this stipulation.

## **[PROPOSED] ORDER**

Pursuant to the foregoing stipulation, it is hereby ordered that:

3       1. The parties agree to continue the temporary stay in the above-captioned action  
4 until thirty (30) days after either (i) the plaintiffs in *Cement Masons* file the Second Amended  
5 Class Action Complaint and the Court rules on any motion to dismiss that Second Amended  
6 Class Action Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the Second  
7 Amended Class Action Complaint lapses without any such complaint having been filed.

8           2. The parties to the above-captioned action will file a stipulation setting forth a  
9 briefing schedule on Plaintiff's Amended Complaint within thirty (30) days after either of the  
10 following occurs: (i) the *Cement Masons* plaintiffs file the Second Amended Class Action  
11 Complaint and the Court rules on any motion to dismiss that Second Amended Class Action  
12 Complaint; or (ii) the time for the *Cement Masons* plaintiffs to file the Second Amended Class  
13 Action Complaint lapses without any such complaint having been filed.

14       3. Defendants shall have no obligation to respond to the Amended Complaint in the  
15 above-captioned action until after the Stipulation setting forth a briefing schedule is filed.

Dated: April 2, 2012

*Samuel Conti*  
The Honorable Samuel Conti

The Honorable Samuel Conti